

172

PTO/SB/21 (09-04)  
Approved for use through 07/31/2006. OMB 0651-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Patent Information Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	10/753,927
	Filing Date	January 8, 2004
	First Named Inventor	Brent M. Ledvina
	Art Unit	2637
	Examiner Name	Ghebretinsae, Temesghen
Total Number of Pages in This Submission	Attorney Docket Number	10845-150

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Memorandum to be Placed in the File of U.S. Patent Application Serial Number 10/753,927; return postcard.
<div>Remarks</div>		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Name	Burns & Levinson LLP (formerly Perkins Smith & Cohen LLP)		
Signature			
Printed name	Jacob N. Erich		
Date	February 24, 2006	Reg. No.	24,338

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:			
Signature			
Typed or printed name	Jacob N. Erich	Date	February 24, 2006

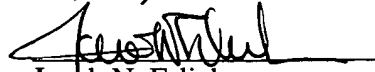
This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



## CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this date: FEB 24, 2006

  
Jacob N. Erlich  
Reg. No. 24,338

### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Brent M. Ledvina, et al.  
Application No.: 10/753,927  
Filed: January 8, 2004  
Priority Date: January 10, 2003  
Title: REAL-TIME SOFTWARE RECEIVER

Group Art Unit: 2637  
Examiner: Temesghen Ghebretinsae

BURNS & LEVINSON LLP  
One Beacon Street  
Boston, MA 02108  
(617) 854-4000

To: Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

### MEMORANDUM TO BE PLACED IN THE FILE OF U.S. PATENT APPLICATION SERIAL NUMBER 10/753,927

Sir:


It has recently been brought to Applicants' attention that applicants of U.S. Application S.N. 10/531,132 (US '132), now published Application US 2006-001 3287 A1 (the applicants of US '132 not being the same Applicants as the present above-identified U.S. Application S.N. 10/753,927 (US '927)), have copied certain claims therein from above-identified US '927. Applicants were aware of published PCT Application WO 2004/036238 A1 (PCT '238) upon which US '132 is based and cited the PCT '927 application to the U.S. Patent and Trademark Office in an Information Disclosure Statement submitted in US '927. Applicants respectfully contend that neither the specification of PCT '238 nor the specification of US '132 support the copied claims.

The following information is presented in the event that a call may be deemed desirable by the Examiner:

JACOB N. ERLICH (617) 854-4000.

Respectfully submitted,  
Brent M. Ledvina, et al., Applicants

Dated: FEB. 24, 2006

By:   
\_\_\_\_\_  
Jacob N. Erlich  
Reg. No. 24,338  
Attorney for Applicants

10845-150-PatApp/Memo/MemoFile